**IN THE UNITED STATES DISTRICT COURT**
**FOR THE SOUTHERN DISTRICT OF TEXAS**
**MCALLEN DIVISION**

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| UNITED STATES OF AMERICA<br><br>*Plaintiff,*<br><br>v.<br><br>0.95 ACRES OF LAND, MORE OR LESS, SITUATED IN STARR COUNTY, TEXAS; AND NOE RODRIGUEZ, SR., ET AL.,<br><br>*Defendant.* | §<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§ | CASE NO. 7:08-CV-349<br>(Lead Case)<br><br>CASE NO. 7:08-CV-054<br>(Member Case) |

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**UNITED STATES' SUPPLEMENTAL RESPONSE TO THE DISTRICT COURT'S ORDER FOR A CASE STATUS UPDATE**

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**COMES NOW** the United States of America (hereinafter "United States"), and in response to the District Court's September 4, 2012, Order to inform the Court on the status of the case; inform the Court of any impediment to resolving the case; and, the prospects of resolution in the near future avers as follows:

On October 11, 2012 the United States filed its Joint Response to the Court's Order for a Case Status Update (Docket No. 47). At that time, the United States anticipated finalizing title commitments and land surveying by August 2013. To date, the United States has finalized land surveys for the tracts of land condemned in Starr County, Texas. However, the United States has not finalized title reports and policies for the tracts of land condemned in Starr County, Texas. As a result, the United States cannot give a date certain for filing an Amended Declaration of Taking.

The United States, through the Army Corps of Engineers, finalized a contract with a title company at the beginning of July 2013 to provide title reports and policies for the border fence tracts in Starr County, Texas.

Title reports and policies for cases such as the above-styled case will be ordered in batches of 10 to 15 tracts after October 1, 2013. The United States cannot predict when the title report and policy for the above-styled case will be ordered and/or received at this time. The United States expects to file an Amended Declaration of Taking once the title report and policy have been received and reviewed for compliance with federal requirements.

**WHEREFORE**, premises considered, the United States prays the Court continue the suspension of deadlines in this matter pending the filing of an Amended Declaration of Taking and the resolution of any title issues raised as a result of filing the Amended Declaration of Taking.

Respectfully submitted,

**FOR PLAINTIFF**

**KENNETH MAGIDSON**
United States Attorney
Southern District of Texas

By: *s/ E. Paxton Warner*
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## CERTIFICATE OF SERVICE

I, E. Paxton Warner, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on August 29, 2013, I mailed a true and correct copy of the foregoing document via regular mail to the all parties remaining in this cause.

By: *s/ E. Paxton Warner*
**E. PAXTON WARNER**
Assistant United States Attorney